

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES SEWARD, Individually and on behalf of all others similarly

Situated,

Plaintiff,

-against-

INTERNATIONAL BUSINESS MACHINES CORPORATION, d/b/a
IBM Corp.

Defendant.

Case No.: 08 CV 03976

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

DARREN HINDS, being duly sworn, deposes and says:

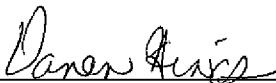
1. That I am not a party to this action, am over eighteen years of age and reside in the State of New Jersey;
2. That on May 19, 2008, at approximately 8:45 a.m., I served by hand, by personally delivering to and leaving with, a true and correct copy of the foregoing documents: **SUMMONS IN A CIVIL ACTION With Index Number and Date Purchased Endorsed Thereon, COMPLAINT and CIVIL COVER SHEET**, all upon **INTERNATIONAL BUSINESS MACHINES CORPORATIONS, d/b/a IBM Corp.**, by Personal Delivery, via Ms. Marietta Acocella, who identified herself as the "Assistant to the C.E.O." as well as being authorized as Agent, to accept service on behalf of International Business Machines Corporations, d/b/a IBM Corp., which service was affected at their actual place of business indicated below:

INTERNATIONAL BUSINESS MACHINES CORPORATIONS
1 New Orchard Road
Armonk, New York 10504

3. **Ms. Marietta Acocella** can best be described as:

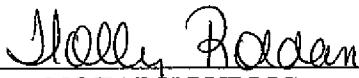
Female - White skin - Black hair - Brown eyes - Approximately 44 - 54 years of age, 5'0" - 5'3" and 125 - 155 lbs.

Dated: May 19, 2008
New York, New York



DARREN HINDS
License No.: 1194970

Sworn to before me on this the 19th day of May 2008.



NOTARY PUBLIC

HOLLY ROLDAN
Notary Public, State of New York
No. 01RO6125752
Qualified in New York County
Commission Expires April 20, 2009